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12/24/2008

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EXAMINER

DINH, TUAN T

ART UNIT

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DELIVERY MODE

12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/09/08 has been entered.

Noted: The term “**configured to**” performs a function, which is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138.

Specie I, figure 1 has been elected by Applicant in the response filed on 10/31/05.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3, 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 6-9, it is unclear. The phrase of “one or more removal ...from the circuit board” is not understood. What does applicant mean of “...for breaking the substrate in a predefined boundary between the key area and the

Art Unit: 2841

circuit board to permanently detach the key area from the circuit board? Since as recited in line 3 that the key area of the substrate of the circuit board, then the key area is belong in the define area of the circuit board, so when the substrate is breaking that meaning the circuit board is breaking too, and when the circuit board is breaking then the circuit board being useless. It is contradiction. Please, clarify the claimed language.

Regarding claim 34, lines 15-16, it is unclear. The phrase of “the tab is removed by breaking the substrate in the specific area” is not understood, since as recited in claim 34, lines 3-14 that describes the structure of the tab, so when the tab being removed and breaking then the tab being useless.

Regarding claim 43, lines 17-18, it is unclear. The phrase of “the key is removed by breaking the substrate in the specific area” is not understood, since as recited in claim 43, lines 13-16 that describes the structure of the key, so when the key being removed and breaking then the tab being useless.

Regarding claim 44, lines 14-15, it is unclear. The phrase of “the key is removed by breaking the substrate in the specific area” is not understood, since as recited in claim 43, lines 13-16 that describes the structure of the key, so when the key being removed and breaking then the tab being useless.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification is silent regarding “a portion of the key area is encapsulated in a hardening material to protect the key area from being easily manipulated.” This limitations do not support by the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

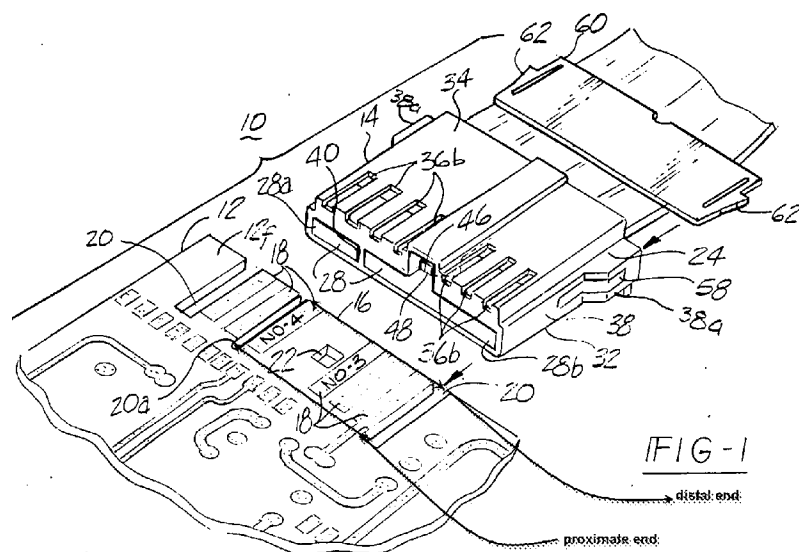
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-7, 34-36, and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Matson et al. (U.S. Patent ‘112) as in the record.

As best understood to claims 1-2, 7, Matson discloses a circuit board (12, column 2, line 7) as shown in figures 1-2 comprising: a substrate which includes a specified area of the substrate that is **used as a mechanism** (16, column 2, line 9) comprising:

signal means for (wire traces 18, and circuitries formed in/on the circuit board 12) conducting a signal between the mechanism (16) and the circuit board (12), the traces being routed on the mechanism; and



Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matson ('112).

As to claims 37-38, Don discloses all of the limitation of the claimed invention, except for the identification comprises a hologram or barcode. However, the barcode or hologram is well known in the art that provide an identification or logo for the product. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a barcode or hologram to modify the labels as taught by Matson for the purpose of verifying or identification product.

Allowable Subject Matter

9. Claims 34-39, 41-48 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

10. Applicant's arguments with respect to claims 1-2, 7, 34-39, and 41-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T. Dinh whose telephone number is 571-272-1929. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reichard Dean can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan T Dinh/
Primary Examiner, Art Unit 2841.